

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BMO BANK N.A.,

Plaintiff,

-v-

PRATEEK GATTANI,

Defendant.

USDC SDNY
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DATE FILED: 7/22/2025

ORDER

24-CV-6897 (PAE) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

On January 10, 2025, Judge Engelmayer entered an order of default judgment against Defendant Prateek Gattani. ECF No. 19. On January 16, 2025, the undersigned entered a Scheduling Order for Damages Inquest that directed Plaintiff to submit Proposed Findings of Fact and Conclusions of Law or to advise the Court that it would rely on its prior submissions concerning all injunctive relief, damages, and any other monetary relief permitted under the default judgment. ECF No. 21. By Letter dated March 12, 2025, Plaintiff advised the Court that it would rely on its prior submissions. ECF No. 22.

In the Complaint, Plaintiff claims pre-judgment interest. ECF No. 1 at 10. Plaintiff's subsequent filings do not provide any calculation of pre-judgment interest or describe how such a calculation should be performed. Under New York law, the Court must award pre-judgment interest to the party that prevails on a breach of contract claim. *See* N.Y. C.P.L.R. § 5001(a). The default pre-judgment rate is nine percent per annum under C.P.L.R. § 5004 but may be modified by agreement of the

parties. *Id.* § 5004(a); *J. D'Addario Inc. v. Embassy Indus., Inc.*, 20 N.Y.3d 113, 119 (2012).

Accordingly, by **August 5, 2025**, Plaintiff is directed to file a supplemental submission describing its proposed calculation of pre-judgment interest, including an Excel spreadsheet illustrating such calculation, and addressing, with citations to admissible evidence, the following questions:

1. What rate of pre-judgment interest applies to the unpaid principal amount: the statutory rate under C.P.L.R. § 5004, a rate agreed upon by contract, or some other rate?
2. From what date(s) should pre-judgment interest be calculated for the unpaid principal?
3. What rate of pre-judgment interest applies to the fees agreed upon in the Fee Letters, ECF No. 14-7: the statutory rate under C.P.L.R. § 5004, a rate agreed upon by contract, or some other rate?
4. From what date(s) should pre-judgment interest be calculated for the fees?

Alternatively, Plaintiff may file a supplemental submission waiving its claim to pre-judgment interest by the same date.

By **August 8, 2025**, Plaintiff is directed to file proof of service on Defendant of a copy of this Order and a copy of its supplemental submission. Defendant's response, if any, is due by **August 22, 2025**.

SO ORDERED.

Dated: July 22, 2025
New York, New York



Henry J. Ricardo
United States Magistrate Judge